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June 14, 2021

VIA ECF

The Honorable Valerie E. Caproni, U.S.D.J. U.S. District Court for the Southern District of New York 40 Foley Square New York, New York 10007

Re: Kareem Nisbett v. T.A. Remainder Company Inc, 1:21-cv-01465 (VEC)

Dear Judge Caproni:

This firm represents the Plaintiff in this website accessibility case under Title III of the Americans with Disabilities Act, the New York State Human Rights Law and New York City Human Rights Law. We write now to respectfully request a 30-day adjournment of the Initial Pretrial Conference currently scheduled for June 18, 2021 at 10:00a.m. (Dkt. No. 5).

Plaintiff served Defendant on March 12, 2021 (Dkt. No. 6), however, Defendant has not yet Answered, appeared or otherwise contacted us. Because service was affected through the Secretary of State, we understand that it can take some time for the pleadings to reach Defendant, and that Covid-related delays have exacerbated that problem. We are now making efforts to reach Defendant via email and USPS to alert then to the matter. The requested extension would afford Defendants an opportunity to appear, while also avoiding potentially unnecessary default motion practice.

This is the first request of an extension of the Initial Pretrial Conference. If granted, the extension would not impact any other case deadlines or conferences inasmuch as, no Case Management Order has yet been entered. Because Defendant has neither appeared nor contacted us, we are unable to ascertain whether Defendant consents to this request.

Respectfully submitted, LIPSKY LOWE LLP

<u>s/ Christopher H. Lowe</u> Christopher H. Lowe The June 18, 2021 IPTC is adjourned *sine die*. Pursuant to the Court's February 19, 2021 order, Defendant's time to respond to the Complaint was stayed until the date of the IPTC, i.e., June 18, 2021. If Defendant has not responded to the Complaint by June 18, 2021, then Plaintiff must apply for a default judgment in accordance with this Court's Individual Practices not later than **July 2, 2021**.

SO ORDERED.

HON. VALERIE CAPRONI

UNITED STATES DISTRICT JUDGE